

SENATE No. 1988

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Improved Sidewalk Accessibility.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------|------------------------------|
| Steven A. Tolman | Second Suffolk and Middlesex |
| Patricia D. Jehlen | Second Middlesex |
| Byron Rushing | 9th Suffolk |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO IMPROVED SIDEWALK ACCESSIBILITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of Section 25 of Chapter 83 of the General Laws, or any other general or special law to the contrary all newly constructed sidewalks in the Commonwealth shall be constructed out of a material other than brick, or another material deemed to be limiting to the disability community's ability to access sidewalks.

SECTION 2. Section 25 of Chapter 83 of the General Laws, as so appearing, is hereby amended by inserting after the words "determine the grade of such sidewalks and the materials", in line 4, the following words: - "provided that the materials appear on the list of acceptable materials as determined by the Massachusetts Commission on Sidewalk Accessibility".

SECTION 3. The secretary of transportation and public works, the Massachusetts highway department and all other agencies and departments responsible for the construction of sidewalks or pedestrian public ways are directed to review and amend their regulations and guidelines to be in compliance with Section 1 of this act.

SECTION 4. There shall be a special commission consisting of the director of the Massachusetts office on disability, or his designee; the secretary of transportation and public works, or his designee; the commissioner of the Massachusetts highway department, or his designee; 2 members of the senate who

shall be members of the joint committee on transportation; 2 members of the house who shall be members of the joint committee on transportation; 2 members of the senate who shall be members of the joint committee on children, families and persons with disabilities; 2 members of the house who shall be members of the joint committee on children, families and persons with disabilities; and 4 members to be appointed by the governor, 1 of whom shall be representative of a private company engaged in the construction of sidewalks, 1 of whom shall be a representative of a municipal public works department responsible for the construction of town or city sidewalks, 1 of whom shall be a member of a nonprofit organization that protects the rights of the disabled, and 1 of whom shall be transportation engineer who has previous experience with planning and constructing sidewalks. This special commission shall be known as the "The Massachusetts Commission on Sidewalk Accessibility" and shall be chaired by the director of the Massachusetts office on disability, or his designee. The special commission shall be created for the purpose of creating a list of acceptable sidewalk materials which may be used in the construction of public sidewalks or public pedestrian ways in the commonwealth. The commission shall investigate issues surrounding the construction of sidewalks including, but not limited to: (1) the feasibility of using a range of innovative materials in the construction of sidewalks or public pedestrian ways which provide the aesthetic beauty associated with brick while allowing for a smooth, safe and comfortable ride for those in wheelchairs and for those who use other mobility aids; and (2) what reasonable provisions should be made for the comfort of those in wheelchairs and for those with other mobility aids when a previously constructed brick sidewalk exists in the commonwealth. The commission shall develop new model regulations governing what materials are acceptable for use in the construction of a sidewalk or public pedestrian way for the executive office of transportation, the Massachusetts highway department and the cities and towns of the commonwealth which ensure equal comfort, accessibility and safety for all citizens, and which balance the need to preserve the historical character of a neighborhood and accessibility. The commission shall also develop specific recommendations for actions that may be taken by the general court to improve the comfort, accessibility and safety of sidewalks or public pedestrian ways for all citizens of Massachusetts. In conducting its investigation and

study, the commission shall hold at least 3 public hearings in various parts of the commonwealth. The commission shall report to the general court the results of its investigation, together with drafts of legislation and new regulations necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before December 31, 2009. A copy of the report shall also be filed with the secretary of administration and finance.

SECTION 5. Sections 1 and 2 of this act shall not take effect until the Massachusetts Commission of Sidewalk Accessibility, as created in Section 4 of this act, has reported its findings to the general court, and developed new model regulations governing the construction of sidewalks and public pedestrian ways for the executive office of transportation, the Massachusetts highway department and the cities and towns of the commonwealth.